IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl.Misc.No.9677-M of 2007

Date of Decision: May 8, 2007

Rajinder Parshad Singh .....Petitioner

Versus

State of Punjab .....Respondent

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.AS Gill, Advocate
for the petitioner.

Mrs.Manjri Nehru, D.A.G. Punjab.

Mr.DS Bali, Senior Advocate with
Mr.Namit Gautam, Advocate for the complainant.

Bhulla Singh, complainant – first informant executed a General Power of Attorney in favour of his brother-in-law Harbhajan Singh on 2.7.2004. On the authority of that General Power of Attorney, Harbhajan Singh mortgaged the land owned by Bhulla Singh to two sons of the former (i.e. Rajinder Parshad Singh and Baldev Singh who have filed petitions No. 9677-M and 7336-M of 2007 respectively) vide two registered sale-deeds dated 24.11.2005 and 27.3.2006.

The grievance of the complainant is that the Power of Attorney executed by him in favour of Harbhajan Singh had been cancelled on 2.3.2005 and the execution of mortgage deeds dated 24.11.2005 and 27.3.2006 thereafter amounted to acts of legal dereliction on the part of Harbhajan Singh.

In order to find out whether the cancellation of the General Power of Attorney had been communicated to Harbhajan Singh, the State was afforded opportunity to place on file documentary material in the context. All that, the complainant has placed on file (by means of Crl.Misc.No.28223 of 2007) is a copy of the legal notice (qua cancellation) and a copy of the certificate of posting.

It is conceded on behalf of the State and the complainant that the cancellation was not intimated to Harbhajan Singh by registered post. It is also conceded that the cancellation of General Power of Attorney had also not been intimated to the Sub Registrar in whose Office the original Power of Attorney had been registered. It is also not the plea that the cancellation of Power of Attorney had been notified through the Press.

The parties are already in Civil Court on point of validity of the impugned mortgage deeds.

The petitioners have already joined investigation in terms of order dated 15.2.2007 vide which interim bail was allowed to them by this Court (Hon'ble S.K.Mittal, J.). In the circumstances of the case, the order dated 15.2.2007 is made absolute.

Disposed of accordingly.

(S. D. ANAND)
JUDGE

May 8, 2007
SRM